

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

<b>RUTH SMITH, Individually and as Widow</b>	)	
<b>for the Use and Benefit of Herself and the</b>	)	
<b>Next of Kin of RICHARD SMITH, Deceased,</b>	)	<b>Case #: 3:05-00444</b>
	)	<b>Judge Trauger</b>
<b>Plaintiff,</b>	)	
	)	
<b>-against-</b>	)	
	)	
<b>PFIZER INC., PARKE-DAVIS,</b>	)	
<b>a division of Warner-Lambert Company</b>	)	
<b>and Warner-Lambert Company LLC,</b>	)	
<b>WARNER-LAMBERT COMPANY,</b>	)	
<b>WARNER-LAMBERT COMPANY LLC and</b>	)	
<b>JOHN DOE(S) 1-10,</b>	)	
	)	
<b>Defendants.</b>	)	

**DECLARATION OF KENNETH B. FROMSON, ESQ. IN SUPPORT OF  
PLAINTIFF'S MOTION IN LIMINE TO EXCLUDE THE TESTIMONY OF  
ALL DEFENDANTS' EXPERT WITNESSES OTHER THAN DR. GIBBONS  
CONCERNING THE FDA ALERT AND RELATED FDA SUBJECTS, OR,  
IN THE ALTERNATIVE, EXCLUDE THE TESTIMONY OF DR. GIBBONS**

I, Kenneth B. Fromson, declare under penalty of perjury as follows:

1. I am a partner with the law firm of Finkelstein & Partners, LLP, attorneys for the Plaintiff in this matter.

2. This declaration is submitted in support of Plaintiff's Motion in Limine to exclude the testimony of all of Defendants' expert witnesses other than Dr. Gibbons concerning the FDA Alert and related FDA subjects or, in the alternative, exclude the testimony of Dr. Gibbons.

3. The following documents are attached hereto in support of this motion:

Exhibit A - Excerpts from the Deposition Transcript of Janet Arrowsmith-Lowe, January 9, 2009 , pp. 127:19-129:11

Exhibit B - Excerpts from the Deposition Transcript of Alex Ruggieri, December 5, 2008, pp. 98:23-100:22, 101:12-101:20

Exhibit C - Excerpts from the Deposition Transcript of Sheila Weiss-Smith, December 22, 2008, pp. 60:6-63:21, Plaintiff's Ex. E

Exhibit D - Defendants' February 2008 update to their expert disclosures

Exhibit E - Janet Arrowsmith-Lowe Supplemental Expert Report

Exhibit F - Alexander Ruggieri Supplemental Expert Report

Exhibit G - Shelia Weiss-Smith Supplemental Expert Report

Exhibit H - Gerard Sancora Supplemental Expert Report

I declare under penalty of perjury that the foregoing is true and correct.

Dated: April 16, 2010

/s/ **Kenneth B. Fromson**

Kenneth B. Fromson  
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*Attorneys for Plaintiff Ruth Smith*

### **CERTIFICATE OF SERVICE**

I hereby certify that on this the 16th day of April, 2010, I electronically filed the foregoing document with the Clerk of the Court, United States District Court for the Middle District of Tennessee, using the CM/ECF system. True and correct copies of the foregoing documents are being served via the Court's CM/ECF system on the following:

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/s/ **Kenneth B. Fromson**  
Kenneth B. Fromson